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Federal Communications Commission  
Office of Secretary

March 2, 2006

Via Courier

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In re: *Closed Captioning and Video Description of Video  
Programming – Implementation of Section 305 of the  
Telecommunications Act of 1996 – Video Programming  
Accessibility*

CGB-CC-0037 – Opposition of Telecommunications for the  
Deaf and Hard of Hearing, Inc., National Association of the  
Deaf, The Deaf and Hard of Hearing Consumer Advocacy  
Network, and Hearing Loss Association of America to the  
Petition for Exemption from Closed Captioning Requirements  
Filed by Ultimate Combat Experience

Dear Ms. Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, The Deaf and Hard of Hearing Consumer Advocacy Network, and Hearing Loss Association of America hereby submit for filing in the above-captioned proceeding their opposition to the petition for exemption from the closed captioning requirements filed by Ultimate Combat Experience.

An original and two (2) copies of this filing are enclosed. Please date-stamp the enclosed extra copy of this filing and return it in the self-addressed envelope provided. Should you have any questions concerning this matter, please do not hesitate to contact us.

Respectfully submitted,



Paul O. Gagnier  
Troy F. Tanner

Their Counsel

Marlene H. Dortch, Secretary  
March 2, 2006  
Page 2

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Ms. Brenda Battat (HLAA)

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Closed Captioning and Video Description of Video Programming	)	
	)	CGB-CC-0037
Implementation of Section 305 of the Telecommunications Act of 1996 --	)	
	)	
Video Programming Accessibility	)	

**OPPOSITION OF TELECOMMUNICATIONS FOR THE DEAF AND HARD OF  
HEARING, INC., NATIONAL ASSOCIATION OF THE DEAF, THE DEAF AND HARD  
OF HEARING CONSUMER ADVOCACY NETWORK, AND HEARING LOSS  
ASSOCIATION OF AMERICA TO  
THE PETITION FOR EXEMPTION FROM CLOSED CAPTIONING REQUIREMENTS  
FILED BY THE ULTIMATE COMBAT EXPERIENCE**

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Dated: March 2, 2006

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	)	
Video Programming Accessibility	)	

**OPPOSITION TO THE PETITION FOR EXEMPTION FROM CLOSED  
CAPTIONING REQUIREMENTS FILED BY  
THE ULTIMATE COMBAT EXPERIENCE**

**I. INTRODUCTION**

Telecommunications for the Deaf and Hard of Hearing, Inc., the National Association of the Deaf, the Deaf and Hard of Hearing Consumer Advocacy Network, and the Hearing Loss Association of America (together, "Commenters"), by their undersigned counsel, hereby submit their opposition to the petition for an exemption ("Petition") from the Commission's closed captioning requirements filed by the Ultimate Combat Experience, Inc. ("Petitioner") for their televised video program "Ultimate Combat Experience."

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI") is a national advocacy organization that seeks to promote equal access in telecommunications and media for the 28 million Americans who are deaf, hard-of-hearing, late-deafened, or deaf-blind, so that they may enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled. TDI believes that only by ensuring equal access for all Americans will society benefit from the myriad skills and talents of persons with disabilities.

Established in 1880, the National Association of the Deaf ("NAD") is the nation's oldest and largest nonprofit organization safeguarding the accessibility and civil rights of 28 million

deaf and hard of hearing Americans across a broad range of areas including education, employment, health care, and telecommunications. Primary areas of focus include grassroots advocacy and empowerment, policy development and research, legal assistance, captioned media, information and publications, and youth leadership.

The Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), established in 1993, serves as the national coalition of organizations<sup>1</sup> representing the interests of deaf and/or hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. DHHCAN also provides a forum for proactive discussion on issues of importance and movement toward universal, barrier-free access with emphasis on quality, certification, and standards.

Hearing Loss Association of America (“HLAA”) is the nation's foremost consumer organization representing people with hearing loss. HLAA's national support network includes an office in the Washington D.C. area, 13 state organizations, and 250 local chapters. The HLAA mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. HLAA provides cutting edge information to consumers, professionals and family members through their website, [www.hearingloss.org](http://www.hearingloss.org), their award –winning publication, *Hearing Loss*, and hearing accessible national and regional conventions. HLAA impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and global level.

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<sup>1</sup>/ The member organizations of DHHCAN include the American Association of the Deaf-Blind (AADB), the American Deafness and Rehabilitation Association (ADARA), the Association of Late-Deafened Adults (ALDA), the American Society for Deaf Children (ASDC), the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), Communication Service for the Deaf (CSD), Deaf Seniors of America (DSA), Gallaudet University, Gallaudet University Alumni Association (GUAA), National Association of the Deaf (NAD), National Black Deaf Advocates (NBDA), National Catholic Office of the Deaf (NCOD), Registry of Interpreters for the Deaf (RID), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), USA Deaf Sports Federation (USADSF), and The Caption Center/WGBH.

Commenters fully support the creation of programming to address the diversity of interests and views of the American public, including programs dedicated to athletic competition. Commenters respectfully submit, however, that the Petition does not meet the statutory requirements necessary to support an exemption from the closed captioning rules or Petitioner's contention that compliance with the closed captioning requirements would impose an undue burden.<sup>2</sup> As set forth below, Petitioner has provided insufficient information to establish that the legal standard for granting the Petition has been met. Petitioner also has failed to establish that the program in question qualifies for an exemption under Section 79.1(d)(8) of the Commission's Rules. Commenters therefore respectfully oppose grant of the Petition.

## **II. THE LEGAL STANDARD FOR GRANTING A PETITION FOR EXEMPTION**

Section 713 of the Communications Act of 1934, as amended, generally requires that video programming be closed captioned, regardless of distribution technologies, to ensure that it is accessible to persons with hearing disabilities.<sup>3</sup> The Commission has the authority to grant a petition for an exemption from the closed captioning requirements upon a showing that the requirements would impose an undue burden on the video programming provider or video owner.<sup>4</sup> Congress defined "undue burden" to mean "significant difficulty or expense."<sup>5</sup>

A petition seeking a waiver of the captioning rules must demonstrate that compliance would result in an undue burden within the meaning of Section 713(e) and Section 79.1(f) of the Commission's rules.<sup>6</sup> Section 713 requires the Commission to consider four factors when determining whether the closed captioning requirements will impose an undue burden: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of

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<sup>2/</sup> 47 U.S.C. § 613(e).

<sup>3/</sup> *Id.*

<sup>4/</sup> *Id.*

<sup>5/</sup> *Id.*

<sup>6/</sup> 47 U.S.C. § 613(e); 47 C.F.R. § 79.1(f).

the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.<sup>7</sup>

Section 79.1(f) of the Commission's rules sets forth the Commission's procedures for seeking an exemption from the closed captioning requirements on the basis that compliance would impose an undue burden.<sup>8</sup> A petition for an exemption from the closed captioning requirements must be supported by sufficient evidence to demonstrate that compliance with the requirements would cause an undue burden.<sup>9</sup> Such petition must contain a detailed, full showing, supported by affidavit, of any facts or considerations relied on by the petitioner.<sup>10</sup> It must also describe any available alternatives that might constitute a reasonable substitute for the captioning requirements.<sup>11</sup>

### **III. PETITIONER HAS PRESENTED INSUFFICIENT INFORMATION TO DEMONSTRATE THAT COMPLIANCE WITH THE CAPTIONING REQUIREMENT WOULD IMPOSE AN UNDUE BURDEN**

Petitioner requests an exemption from the closed captioning requirements for its weekly video program asserting that compliance would impose on an undue burden.<sup>12</sup> "Ultimate Combat Experience" ("UCE") is described by Petitioner as a "televised sporting event that is broadcast weekly...."<sup>13</sup> Petitioner asserts that "[a]s a result of this program, several wayward youth have been given opportunities to hone their [martial arts] skills and vault themselves into professional mixed martial arts venues."<sup>14</sup> Petitioner's publicly accessible website describes UCE as "an electrifying weekly sporting event which combines kickboxing and no-holds-barred

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<sup>7/</sup> *Id.*  
<sup>8/</sup> 47 C.F.R. § 79.1(f).  
<sup>9/</sup> *Id.* § 79.1(f)(2).  
<sup>10/</sup> *Id.* § 79.1(f)(9).  
<sup>11/</sup> *Id.* § 79.1(f)(3).  
<sup>12/</sup> Petition at p. 3.  
<sup>13/</sup> *Id.* at p. 1.  
<sup>14/</sup> *Id.*



fighting.”<sup>15</sup> In sum, UCE promotes and televises fights consisting of three identical two-minute rounds between “local amateur fighters” who advance to fight other competitors upon defeating their current opponents.<sup>16</sup> Petitioner, however, is not just a fight promoter, but is in fact a sophisticated and multi-faceted entertainment company. Petitioner sells tickets to UCE “events” for between \$15 and \$50 per person, sells a line of clothing related to UCE, actively sells advertisements which are placed on the ring, banners and verbally mentioned during the fights, and broadcasts UCE over at least one satellite and local Salt Lake City UPN affiliate KPNZ.<sup>17</sup> The Petitioner asserts that it has “attempted to procure Closed Captioning for it’s [sic] program in [an] effort to come into compliance with FCC regulations.”<sup>18</sup> Petitioner further states that with a “\$5,000.00 [per week] production budget, Closed Captioning would become such a financial burden, that it would put us out of business.”<sup>19</sup> As Commenters discuss below, the Petition offers insufficient evidence to demonstrate that compliance would impose an undue burden under the four statutory exemption factors. The Petitioner in fact appears to be a sophisticated and rapidly growing for-profit endeavor capable of incorporating closed captioning into its programming without experiencing a burden. The Petition therefore does not meet the legal standard for granting a request for exemption of the closed captioning rules.

Petitioner also asserts that UCE is “[l]ocally produced” and “[n]on-news programming.”<sup>20</sup> However, the exemption provided in Section 79.1(d)(8) for local programming applies only to video programming distributors as defined under Section 79.1(a)(2) of the Commission’s Rules.<sup>21</sup> Section 79.1(a)(2) requires a distributor to own or operate the transmission network or

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<sup>15</sup>/ See <http://www.ultimatecombat.com/UCEFAQ.asp> (last visited on February 23, 2006).

<sup>16</sup>/ *Id.*

<sup>17</sup>/ *Id.*

<sup>18</sup>/ Petition at p. 2.

<sup>19</sup>/ *Id.*

<sup>20</sup>/ *Id.*

<sup>21</sup>/ 47 C.F.R. § 79.1(a)(2).

broadcasting facilities that actually deliver the programming into the residential home.<sup>22</sup>

Petitioner, as a producer of programming, does not qualify for such an exemption.

**A. Exemption Criteria Under Section 79.1(f)(2)**

As more fully discussed below, Commenters respectfully submit that the Petition is not supported by sufficient evidence to demonstrate that compliance with the closed captioning requirements would impose an undue burden upon Petitioner as required by the statutory factors set forth under Section 79.1(f)(2) of the Commission's rules.<sup>23</sup>

First factor: The nature and cost of the closed captions. In judging the sufficiency of information filed to support a claim that the cost of implementing closed captioning will impose an undue burden, the Commission looks to whether the petitioner:

- (1) sought competitive pricing from multiple sources;
- (2) submitted copies of the correspondence received from such captioning companies, indicating a range of quotes;
- (3) provided details regarding its financial resources; and
- (4) sought any means to recoup the cost of closed captioning, such as through grants or sponsorships.<sup>24</sup>

Moreover, the Commission has determined that petitioners must make an effort to solicit captioning assistance from the distributors of its programming.<sup>25</sup> Failure to provide the foregoing information and to establish that the Petitioner pursued other possible means of

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<sup>22/</sup> *Id.*

<sup>23/</sup> 47 C.F.R. § 79.1(f)(2).

<sup>24/</sup> *Outland Sports, Inc., Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, 16 FCC Rcd 13605 (2001) ("*Outland Sports*") (advising that entities seeking a waiver of the captioning requirements seek cost quotes from multiple sources and provide correspondence evidencing the quotes obtained, provide detailed financial information, and discuss whether any efforts were made to recoup the cost of closed captioning). *See also The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, 16 FCC Rcd 13611 (2001) (reviewing sufficiency of information provided with respect to the four factors).

<sup>25/</sup> *Implementation of Section 305 of the Telecommunications Act of 1996 – Video Programming Accessibility*, 13 FCC Rcd 3272, 3366 (1997).

gaining captioning hinders the Commission's assessment of the impact of the cost of captioning on Petitioner.<sup>26</sup>

Petitioner fails to demonstrate that it made a good faith effort to seek competitive pricing for captioning from multiple sources. Petitioner provides evidence that it exchanged correspondence with companies capable of closed captioning UCE.<sup>27</sup> While these documents include figures for services that appear related to closed captioning television programs, they offer insufficient narrative for the Commenters or Commission to accurately determine what types of services have been quoted. Emails exchanged between Petitioner and one captioning provider discuss how a technique described as "field raw footage" may be employed to caption UCE.<sup>28</sup> At least one other captioning provider later quotes \$70 per half hour for this technique.<sup>29</sup> However, Petitioner insists that closed captioning cannot be accomplished for less than 33% of its \$5,000 weekly budget, which would be approximately \$1,666 per week.<sup>30</sup> Petitioner neither explains this discrepancy, nor provides sufficient narrative to understand any of the other documents that appear to include costs related to closed captioning. Thus, while there is some evidence that Petitioner made contact with providers of captioning services, the documents submitted do not demonstrate that Petitioner made a reasonable good faith effort to provide these parties with the technical information necessary to generate an accurate quotation.

In addition, the alleged costs for closed captioning cannot be reconciled with the documents Petitioner submitted. Instead of submitting quotations with concise intelligible narratives explaining the costs associated with closed captioning, Petitioner submits confusing documents and correspondence that appear to contain some prices for captioning services, but figures that cannot be extrapolated to determine the true cost of incorporating the feature into the

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<sup>26</sup>/ *Outland Sports*, ¶ 7.

<sup>27</sup>/ Petition at pp. 4-11.

<sup>28</sup>/ *Id.* at p. 8 (which is an exchange of email between UCE and Planet Pictures).

broadcast. As a result, Petitioner has failed to meet its burden of demonstrating that it has sought competitive pricing from multiple sources.

Petitioner fails to make a good faith effort to submit copies of correspondence evidencing the receipt of a range of quotes. As discussed above, Petitioner does submit copies of email correspondence that include some apparent pricing related to closed captioning services. Regrettably, because the documents and correspondence themselves are not self-explanatory, it is impossible to determine if a range of quotations has been submitted. It would have required minimal effort for Petitioner to provide a concise narrative explaining the figures included in these documents, but no narrative or explanatory document accompanied the Petition. Petitioner also references quotations from six (6) additional closed captioning providers, and three (3) vendors of hardware capable of incorporating closed captioning. Regrettably, however, there is no evidence of these quotations beyond mere assertion.<sup>31</sup>

Petitioner, moreover, did not provide sufficient information regarding the financial resources upon which it relies to produce its video program, and the limited information that has been provided indicates that Petitioner has substantial resources. Petitioner attempts to portray UCE as a modest endeavor supported by a core group of volunteers who work “countless hours, for little pay.”<sup>32</sup> Petitioner also states that it has annual gross income of less than \$100,000.00.<sup>33</sup> In dramatic contrast, however, Petitioner’s publicly accessible website portrays UCE as a phenomenon with average attendance of 300 paying between \$15 and \$50 per person at live weekly fights.<sup>34</sup> Petitioner’s website also states that UCE is broadcast by satellite to “Las Vegas,

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<sup>29/</sup> *Id.* at p. 10 (which quotes \$70 per half hour for 30 minutes of content).

<sup>30/</sup> *Id.* at p. 12.

<sup>31/</sup> *Id.* at p. 6.

<sup>32/</sup> *Id.* at p. 2.

<sup>33/</sup> *Id.*

<sup>34/</sup> *See*. Ultimate Combat Media Kit at p. 4; <http://www.ultimatecombat.com> (follow “Media Kit” hyperlink) (last visited February 27, 2006)

Boise, Grand Junction, Chicago and other [markets]....”<sup>35</sup> Advertisement packages are offered by Petitioner for weekly rates ranging from \$312 up to \$1,250.<sup>36</sup> While these streams of revenue clearly generate significant income, Petitioner fails to make reference to them in its Petition. Neither Commenters nor the Commission can thoroughly or accurately assess Petitioner’s financial resources without a more forthcoming disclosure from Petitioner. In sum, the incomplete financial documentation Petitioner provides conflicts with publicly accessible information published by Petitioner, and fails to demonstrate how Petitioner’s significant financial resources will experience an undue burden as a result of incorporating closed captioning into UCE’s weekly broadcast.<sup>37</sup>

Further, Petitioner fails to state whether it has other means to recoup the cost of captioning, such as through sponsorships or grants, or whether Petitioner solicited captioning assistance from the distributors of its programming. As to the latter, the Commission has determined that petitioners must make an effort to solicit such assistance and provide the distributor’s response to its solicitation.<sup>38</sup> Petitioner states that it has “tried VERY hard, with no success, to find a sponsor to subsidize Closed Captioning.”<sup>39</sup> However, there is no evidence of any effort to seek sponsorship for closed captioning beyond this mere assertion. Petitioner does not make any reference to seeking assistance from KPNZ. Further, the Petition makes no reference to seeking assistance from any other outside source to help cover the costs associated

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<sup>35/</sup> *Id.* at p. 4.

<sup>36/</sup> *Id.* at p. 6.

<sup>37/</sup> Commenters note that the Petition references various documents and affidavits that are not included in the public FCC file, including the Affidavits of Support and Exhibits listed on page 2. Therefore, it is unclear whether any of these documents might be relevant to Petitioner’s financial showing. The Commenters have requested these documents from the FCC staff, but have been told they are not available. If these documents are subsequently found, Commenters reserve the right to review them and provide additional input as warranted.

<sup>38/</sup> See *Commonwealth Productions, Video Programming Accessibility, Petitioner for Waiver of Closed Captioning Requirements*, CSR 5992, Memorandum Opinion and Order, ¶ 3 (Mar. 26, 2004).

<sup>39/</sup> See Petition at p. 15.

with closed captioning. Petitioner has therefore failed to provide sufficient evidence to support a claim for exemption under the first factor.

Second factor: The impact on the operation of the provider or program owner. The Petition provides no information indicating that compliance with closed captioning requirements will adversely impact Petitioner's operations. Petitioner claims that compliance with the closed captioning rules "would put us out of business."<sup>40</sup> Petitioner also asserts that "the amount of time necessary to provide transcripts, conversion, and embedding, would place such an enormous strain on our staff, that we could not accomplish final production of our show."<sup>41</sup> However, Petitioner fails to provide any supporting documentation or financial analysis for these assertions. Petitioner, in fact, appears to have substantial financial resources at its disposal which have not been accounted for in the Petition. As discussed above, Petitioner is broadcasting locally and via satellite to large metropolitan areas, including Chicago and Las Vegas. Petitioner also appears to be generating significant revenue from ticket sales and from advertisements. Thus, while the instant Petition portrays Petitioner as a struggling volunteer operation incapable of accommodating closed captioning, Petitioner's website portrays it as a professional fight promoter and television producer generating substantial revenue and broadcasting to a near nationwide audience. As a result, until the Petitioner provides more information and explains the discrepancies between its Petition and its website, the Petition fails to provide sufficient evidence to support a claim for exemption under the second factor.

Third factor: the financial resources of the provider or program owner. Commission Rule 79.1(f)(2) provides that a petition for exemption "must be supported by sufficient evidence to demonstrate that compliance with the requirements would cause an undue burden."<sup>42</sup>

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<sup>40</sup>/ *Id.* at p. 2.

<sup>41</sup>/ *Id.* at p. 14.

<sup>42</sup>/ 47 C.F.R. § 79.1(f)(2).

Additionally, in determining whether the closed captioning requirements impose an undue burden, the Commission must consider the resources that the petitioner has chosen to devote to the program in the context of the overall budget and revenues of the petitioner – and not merely the cost of captioning in relation to a particular program.<sup>43</sup> Here, Petitioner has failed to provide evidence demonstrating a burden. Instead, Petitioner offers evidence demonstrating that it has substantial financial resources that will allow compliance with closed requirements without imposing an undue burden.

Beyond Petitioner's unsubstantiated assertion that compliance "would put us out of business," Petitioner provides no information about how the incorporation of closed captioning in its programming would impact its financial condition or programming budget.<sup>44</sup> Petitioner generates revenue from numerous different operations related to UCE. These include ticket sales, merchandise sales, and advertisements. Even if Petitioner's unsupported assertion that closed captioning will cost 33% of \$5,000 per episode is accurate, the cost could be readily absorbed by the sale of three 30 second advertisements, for which Petitioner incurs no cost through a barter arrangement with KPNZ, but charges \$500 each.<sup>45</sup> Petitioner offers no explanation for how such a modest charge could impose an undue burden, in particular relative to the considerable revenue Petitioner's operations appear to generate. Given Petitioner's apparent substantial financial resources, and the lack of an argument or evidence establishing an undue burden, the Petition fails to find support under the third factor.

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<sup>43/</sup> *Implementation of Section 305 of the Telecommunications Act of 1996 – Video Programming Accessibility*. 13 FCC Rcd 3272, 3366 (1997) ("Report and Order").

<sup>44/</sup> Petition at p. 2. As noted above in note 37, the Petition references an Affidavit #5 that allegedly shows a Profit/Loss Statement for a single event, but no such affidavit is attached in the petition available in the FCC's public file. Therefore, it is unclear whether this affidavit would shed any light on the financial impact of captioning on any particular episode.

<sup>45/</sup> See. Ultimate Combat Media Kit at p. 7; <http://www.ultimatecombat.com> (follow "Media Kit" hyperlink) (last visited February 27, 2006).

Fourth factor: The type of operation of the provider or program owner. Petitioner provides insufficient information regarding the type of operations that it runs. In order for the Commission to determine whether the Petition is supported under the fourth factor, Petitioner should have provided detailed information regarding its operations and explained why or how complying with the closed captioning requirements would result in significant difficulty for Petitioner because of the type of operations involved. Petitioner fails to explain why the nature and/or specific attributes of its operations provides a basis to exempt it from the captioning rules. Lacking such information, the Petition fails to demonstrate that an exemption is warranted under the fourth factor.

**B. Exemption Criteria Under Section 79.1(d)(8)**

Petitioner claims that its video program is exempt from the closed captioning requirements pursuant to Section 79.1(d)(8) of the Commission's Rules. In Section 79.1(d)(8), the Commission exempted from the captioning requirements video programming "that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the 'electronic news room' technique of captioning is unavailable."<sup>46</sup> A video programming distributor is defined in Section 79.1(a)(2) as "any television broadcast station licensed by the Commission and any multi-channel video programming distributor as defined in Section 76.1000(e) of the rules, and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission."<sup>47</sup> Commenters respectfully submit that Petitioner is not a video programming distributor as defined under Section 79.1(a)(2). The Petitioner is the producer of an individual video program, and not the owner or operator of a

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<sup>46</sup>/ 47 C.F.R. § 79.1(d)(8).

<sup>47</sup>/ 47 C.F.R. § 79.1(a)(1).



television station or cable network providing a transmission or network facility to distribute programming. Thus, Petitioner does not qualify for the exemption set forth in 79.1(d)(8).

#### **IV. CONCLUSION**

For those reasons, Petitioner's request for exemption from the closed captioning requirements is not supported by sufficient evidence to demonstrate that compliance with the requirements would cause an undue burden within the meaning of Section 713 of the Act.

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WHEREFORE, for the foregoing reasons, Commenters respectfully oppose grant of the  
Petition.

Respectfully submitted,

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Dated: March 2, 2006

## CERTIFICATION

I, Claude L. Stout, Executive Director of Telecommunications for the Deaf and Hard of Hearing, Inc., and a joint commenter in the attached Opposition To The Petition For Exemption From Closed Captioning Requirements Filed By Ultimate Combat Experience, File No. CGB-CC-0037 ("*Opposition*"), hereby certify that to the extent there are any facts or considerations not already in the public domain which have been relied on in this *Opposition*, these facts and considerations are true and accurate to the best of my knowledge.



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Claude L. Stout  
Executive Director

Date: February 24, 2006

### **CERTIFICATE OF SERVICE**

I, Alice Burruss, do hereby certify that, on March 2, 2006, a copy of the foregoing Opposition of Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, The Deaf and Hard of Hearing Consumer Advocacy Network, and the Hearing Loss Association of America to the Petition for Exemption from Closed Captioning Requirements Filed by the Ultimate Combat Experience, Inc., as filed with the Federal Communications Commission in CGB-CC-0037, was served by first class U.S. mail, postage prepaid, upon the Petitioner:

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Ultimate Combat Experience  
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\_\_\_\_\_